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Facsimile Cover Sheet

To: Examiner Jeffrey R. Snay
Company: USPTO-GAU1743
Phone:
Fax: 703-872-9306

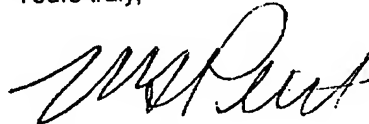
From: Michael G. Petit
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Date: 2/28/05
Pages including this
cover page: 10
Subject: 01BRE1 (USSN:10/008,870)

Dear Examiner Snay:

I am enclosing a Notice of Non-Compliant Amendment, dated 2/24/05, together with a revised Amendment B incorporating the necessary changes to the status of the claims as indicated on the attached (revised) Amendment B. Please accord the pending claims the status of the claims as indicated in the enclosure. Thank you, and please feel free to contact the office should you have questions or require additional information.

Yours truly,



Michael G. Petit
PATENT LAW OFFICES



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,870	11/02/2001	H. George Brennan	01BRE1	5039
7590 02/24/2005				
EXAMINER				
Michael G. Petit P.O. Box 91929 Santa Barbara, CA 93190-1929			ART UNIT PAPER NUMBER	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

10/06/05 P. 3



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR P.A.
UNITED STATES PATENT AND TRADEMARK C
P.O. BOX
ALEXANDRIA, VA 22313-
XXXXXX

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2/15/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officecliver.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Lance Smith
Legal Instruments Examiner (LIE)

571-272-1051
Telephone No.

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant(s): H. George . Brennan, M. D.)

Serial No.: 10/008,870)

Filed: 11/2/2001)

Title: Nose Airway Device for Detecting Airborne Contaminants)

Docket No.: 01BRE1)

Ex: Jeffrey R. Snay

GAU: 1743

February 15, 2005
Santa Barbara, CA

AMENDMENT B

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed 11/17/2004 (made final), which response is due on 2/17/2005, applicant files a Request for Continued Examination herewith and respectfully requests the Examiner to amend the above-referenced application as follows.

In the Claims

Please amend the claims as indicated on the immediately following page(s).